

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

FIFTH LEGISLATIVE DAY
FRIDAY, JANUARY 14, 2005

Senate Chamber

President Risch called the Senate to order at 11:45 a.m.

Roll call showed all members present except President Pro Tempore Geddes and Senators Compton and Malepeai, absent and formally excused by the Chair; and Senators Burkett, Goedde, Marley, Noble, Pearce, and Schroeder, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Ali Lauda, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 13, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Burkett, Marley, and Pearce were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 14, 2005

The JUDICIARY AND RULES Committee reports that **SR 101** has been correctly printed.

DARRINGTON, Chairman

SR 101 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

The Senate advanced to the Seventh Order of Business.

Reports of Special Committees

The following Special Committees were appointed by the President Pro Tempore:

Memorial Day:	Senator Corder, Chairman Senator Kelly
Lincoln Day:	Senator Coiner, Chairman Senator Jorgenson
Photography:	Senator Broadsword, Chairman Senator Langhorst
Lunchroom:	Senator McGee

The Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 10, 2005

The Honorable Jim Risch
President of the Senate
Idaho State Legislature

Dear Mr. President:

As required by Section 57-1601, *Idaho Code*, I am transmitting the following report of the Governor's Emergency Fund for fiscal years 2004 and 2005.

Balance as of July 1, 2003	\$83,744.48
No activity in fiscal year 2004	

Balance as of June 30, 2004	\$83,744.48
No activity year-to-date in fiscal year 2005	

Balance as of December 31, 2004	\$83,744.48
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Very truly yours,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

Senator Schroeder was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1003

BY GANNON

AN ACT

RELATING TO THE IDAHO DAIRY PRODUCTS
COMMISSION; AMENDING SECTION 25-3102, IDAHO
CODE, TO REVISE MEMBERSHIP REQUIREMENTS FOR

THE COMPOSITION OF THE IDAHO DAIRY PRODUCTS COMMISSION AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 25-3104, IDAHO CODE, TO REVISE THE NUMBER OF COMMISSION MEMBERS REQUIRED TO REPRESENT CERTAIN DESIGNATED DISTRICTS AND TO REVISE DESIGNATED REPRESENTATIVE DISTRICTS.

S 1004
BY TRANSPORTATION COMMITTEE
AN ACT

RELATING TO MOTOR FUELS; AMENDING CHAPTER 2, TITLE 71, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-241A, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE A TERM, TO PROVIDE AN ETHANOL BLENDED FUEL STANDARD AND TO PROVIDE AN EXEMPTION TO THE ETHANOL BLENDED FUEL STANDARDS.

S 1005
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1315, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE AND TO CLARIFY THE EFFECT OF PROSPECTIVE ONLY APPLICATION OF BENEFIT ENHANCEMENTS.

S 1006
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1305, IDAHO CODE, TO INCLUDE INVESTMENT COMMITTEE MEMBERS FOR PURPOSES OF INDEMNIFICATION, TO PROVIDE THAT THE BOARD SHALL OBTAIN ALL AUDIT AND OTHER SERVICES IT DEEMS APPROPRIATE, TO PROVIDE FOR A GENERAL INVESTIGATION EVERY FOUR YEARS, TO PROVIDE THAT THE BOARD SHALL ADOPT THE ASSUMPTIONS IN USE BY THE SYSTEM, TO PROVIDE THAT AN INDEPENDENT FINANCIAL AUDIT SHALL BE CONDUCTED ANNUALLY OR AS FREQUENTLY AS OTHERWISE DETERMINED BY THE BOARD AND TO MAKE TECHNICAL CHANGES.

S 1007
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1303, IDAHO CODE, TO REVISE THE DEFINITIONS APPLICABLE TO POLICE OFFICER MEMBERSHIP STATUS FOR PURPOSES OF RETIREMENT.

S 1008
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO THE IDAHO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2015, IDAHO CODE, TO PROVIDE THAT INDIVIDUALS APPLYING TO BE LICENSED DESIGNATED BROKERS OR BRANCH OFFICE MANAGERS MUST COMPLY WITH CERTAIN REQUIREMENTS;

AMENDING SECTION 54-2016, IDAHO CODE, TO REVISE REQUIREMENTS APPLICABLE TO PRIMARY IDAHO LICENSES FOR LEGAL BUSINESS ENTITIES, SOLE PROPRIETORSHIPS AND BRANCH OFFICES; AND REPEALING SECTION 54-2017, IDAHO CODE, APPLICABLE TO RECIPROCAL IDAHO LICENSES.

S 1009
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO IDAHO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2013, IDAHO CODE, TO INCREASE THE MAXIMUM AMOUNT OF THE PREMIUM FOR ERRORS AND OMISSIONS INSURANCE OBTAINED BY THE COMMISSION.

S 1010
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO THE IDAHO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2004, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-2012, IDAHO CODE, TO REVISE THE MINIMUM REQUIREMENTS FOR AN INDIVIDUAL PRIMARY IDAHO LICENSE; AMENDING SECTION 54-2016, IDAHO CODE, TO REQUIRE THAT CURRENT LICENSE CERTIFICATES FOR BRANCH OFFICES, BRANCH MANAGERS AND SALES ASSOCIATES BE PROMINENTLY DISPLAYED OR AVAILABLE FOR PUBLIC INSPECTION AT THE BRANCH OFFICE; AMENDING SECTION 54-2018, IDAHO CODE, TO REQUIRE THAT CONTINUING EDUCATION CREDIT HOURS BE OBTAINED PRIOR TO THE SUBMISSION OF LICENSE APPLICATIONS, TO PROVIDE FOR DISCIPLINARY ACTION BY THE COMMISSION, TO PROVIDE THAT THE COMMISSION MAY REQUEST PROOF OF CONTINUING EDUCATION COMPLIANCE, TO SPECIFY CONTINUING EDUCATION DOCUMENTATION REQUIREMENTS AND TO LIMIT APPLICATION; AMENDING SECTION 54-2019, IDAHO CODE, TO PROVIDE FOR THE INACTIVATION OF LICENSES BY THE COMMISSION; AMENDING SECTION 54-2023, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO CONTINUING EDUCATION REQUIREMENTS; AMENDING SECTION 54-2025, IDAHO CODE, TO REVISE CERTIFICATION REQUIREMENTS; AMENDING SECTION 54-2027, IDAHO CODE, TO REVISE THE DUTIES AND REQUIREMENTS OF CERTIFIED COURSE PROVIDERS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2032, IDAHO CODE, TO REQUIRE CERTIFICATION OR COMMISSION APPROVAL FOR INDIVIDUALS TEACHING COURSES FOR CREDIT TOWARD COMMISSION CONTINUING EDUCATION CORE COURSE REQUIREMENTS; AMENDING SECTION 54-2033, IDAHO CODE, TO SET FORTH QUALIFICATIONS AND CERTIFICATION REQUIREMENTS FOR INDIVIDUALS WISHING TO TEACH CERTAIN COURSES; AMENDING SECTION 54-2036, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO CERTIFICATION OF COURSES AND COURSE CONTENT; AMENDING SECTION 54-2041, IDAHO CODE, TO REMOVE A REFERENCE TO TRUST FUND ACCOUNTS IN IDAHO;

AMENDING SECTION 54-2042, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT TRUST ACCOUNTS BE ESTABLISHED AT DEPOSITORIES LOCATED IN IDAHO AND TO REMOVE REFERENCES TO SUCH REQUIREMENT; AMENDING SECTION 54-2043, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT INTEREST-BEARING TRUST ACCOUNTS BE CREATED AT DEPOSITORIES IN IDAHO; AMENDING SECTION 54-2056, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO TERMINATING OR CHANGING LICENSED BUSINESS RELATIONSHIPS; AND AMENDING SECTION 54-2062, IDAHO CODE, TO REVISE THE GROUNDS FOR DISCIPLINARY ACTION.

S 1011
BY BROADSWORD
AN ACT

RELATING TO PEDESTRIANS AND BICYCLES; AMENDING SECTION 49-714, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE RELATING TO RIGHTS AND DUTIES OF PERSONS OPERATING HUMAN-POWERED VEHICLES OR RIDING BICYCLES.

S 1012
BY SCHROEDER
AN ACT

RELATING TO PUBLIC EMPLOYEES AND CONFLICTS OF INTEREST; AMENDING CHAPTER 13, TITLE 18, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 18-1361, 18-1362, 18-1363, 18-1364, 18-1365 AND 18-1366, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE APPLICATION, TO DEFINE TERMS, TO PROVIDE PROHIBITED ACTS, TO PROVIDE REMEDIES AND TO PROVIDE PENALTIES.

S 1003, S 1004, S 1005, S 1006, S 1007, S 1008, S 1009, S 1010, S 1011, and S 1012 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12 noon until the hour of 11:30 a.m., Monday, January 17, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary